

FIRST CIRCUIT COURT
STATE OF HAWAII
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TERIE SINGEMASA and
KISICHY ESA

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

16-1-2136-11 V L C

TERIE SINGEMASA, Individually and as)
the Personal Representative of the Estate of)
K.K.K.; and KISICHY ESA, Individually,)

Civil No. _____

Plaintiffs,)

COMPLAINT FOR DAMAGES;
DEMAND FOR JURY TRIAL;
SUMMONS

vs.)

KAPIOLANI MEDICAL CENTER FOR)
WOMEN AND CHILDREN;)
TIFFANY T. COLEMAN-SATTERFIELD,)
MD; ALSON SUMIO INABA, MD;)
JOHN and/or JANE DOES 1-25; and)
DOE ENTITIES 1-10,)

Defendants.)

COMPLAINT FOR DAMAGES

Plaintiffs TERIE SINGEMASA, Individually and as the Personal Representative
of the Estate of K.K.K., and KISICHY ESA, Individually, (hereinafter "Plaintiffs"), by and
through their undersigned attorneys, allege as follows:

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I. PARTIES

1. Plaintiff TERIE SINGEMASA (“Mrs. Singemasa”) is and was, at all times relevant hereto, a resident of the City and County of Honolulu, State of Hawaii, the wife of Plaintiff KISICHY ESA and the natural mother of K.K.K., deceased (hereinafter “K.K.K.”). Mrs. Singemasa is also the duly-appointed Personal Representative of the Estate of K.K.K.

2. Plaintiff KISICHY ESA (“Mr. Esa”) is and was, at all times relevant hereto, a resident of the City and County of Honolulu, State of Hawaii, the husband of Plaintiff Mrs. Singemasa, and the natural father of K.K.K.

3. Defendant KAPIOLANI MEDICAL CENTER FOR WOMEN AND CHILDREN (“Defendant KMC”) is and was, at all times relevant hereto, a corporation duly organized and existing under the laws of the State of Hawaii and engaged in the provision of medical services with its principal place of business at 1319 Punahou Street, in Honolulu, Hawaii. Defendant KMC is and has been, at all times relevant hereto, a “health care facility” as defined in § 323D-2, Hawaii Revised Statutes and a “health care provider” as defined in § 671-1, Hawaii Revised Statutes.

4. Defendant TIFFANY T. COLEMAN-SATTERFIELD, MD (“Defendant Dr. Coleman-Satterfield”) is and was, at all times relevant hereto, a resident of the City and County of Honolulu, State of Hawaii, a medical doctor licensed to practice medicine in the State of Hawaii and a practicing physician in Defendant KMC’s emergency department in the City and County of Honolulu, State of Hawaii.

5. Defendant ALSON SUMIO INABA, MD (“Defendant Dr. Inaba”) is and was, at all times relevant hereto, a resident of the City and County of Honolulu, State of Hawaii, a medical doctor licensed to practice medicine in the State of Hawaii and a practicing physician

in Defendant KMC's emergency department in the City and County of Honolulu, State of Hawaii.

6. Defendants JOHN and/or JANE DOES 1-25 and DOE ENTITIES 1-10 ("Doe Defendants") are or were Hawaii residents and/or corporations, partnerships, and/or entities engaged in and doing business in the State of Hawaii who are sued herein under fictitious names for the reason that their true names and identities presently are unknown to Plaintiffs and their attorneys despite due diligence and inquiry, and/or in some manner presently unknown to Plaintiffs were engaged in the activities alleged herein and/or proximately caused the injuries or damages of which Plaintiffs complain herein. The true names and capacities of Doe Defendants will be substituted as they become known.

II. FACTUAL ALLEGATIONS

7. On June 11, 2015, K.K.K. was brought to the emergency room department at KMC by Mrs. Singemasa for fever and coughing.

8. The evening staff at KMC prescribed him an inhaler.

9. No lab tests were conducted on K.K.K.

10. K.K.K. was discharged, and both K.K.K. and Mrs. Singemasa left for home at or about 12:24 am on June 12, 2015.

11. On June 20, 2015, at 3:14 pm, Mrs. Singemasa again brought K.K.K. to the KMC emergency room department because of vomiting and diarrhea.

12. No attempt was made to rehydrate K.K.K. intravenously, and he was discharged at 5:16 pm.

13. Seven hours later, at 12:36 am on June 21, 2015, K.K.K. was brought back to the KMC emergency room department by Mrs. Singemasa because of increased diarrhea.

14. An attempt was made to place an IV line for fluids but this attempt failed.

15. K.K.K. was again discharged with instructions that Mrs. Singemasa give him additional fluids.

16. All of the communications with Mrs. Singemasa were in English although her native language is Chuukese.

17. Ten hours later, at 12:41 pm on June 21, 2015, K.K.K. was brought to the KMC emergency room department a fourth and final time where he was declared dead.

18. The medical examiner's report concluded that the cause of K.K.K.'s death was bronchopneumonia as a consequence of probable viral upper respiratory infection.

19. As a direct, legal and/or proximate result of the foregoing, K.K.K. suffered great pain and suffering, discomfort, distress and mental anguish prior to his death.

20. As a further direct, legal and/or proximate result of the foregoing, K.K.K. suffered loss of enjoyment of life.

21. As a further direct, legal, and/or proximate result of the foregoing, Plaintiffs have incurred medical and miscellaneous expenses including, but not limited to, travel, funeral and burial expenses, in such amounts to be proven at trial.

22. As a further direct, legal and/or proximate result of the foregoing, Plaintiffs Mrs. Singemasa and Mr. Esa have suffered great mental anguish, severe emotional distress, anxiety, embarrassment, humiliation, worry, and anger.

23. As a further direct, legal and/or proximate result of the foregoing, Plaintiffs Mrs. Singemasa and Mr. Esa have suffered, and will continue to suffer in the future, pecuniary injury, loss of financial support, loss of love and affection, society, companionship, comfort, protection, care and attention, and/or other benefits of their son, K.K.K., for which they are entitled to recover damages.

24. Plaintiffs submitted their claims set forth herein against Defendants to the Medical Inquiry Panel Conciliation Panel on January 12, 2016, pursuant to the provision of Chapter 671, Hawaii Revised Statutes.

25. The Medical Inquiry Conciliation Panel terminated the proceeding herein on September 22, 2016.

FIRST CAUSE OF ACTION

26. Plaintiffs hereby reallege and incorporate all of the above allegations contained in Paragraphs 1 through 25, above.

27. Plaintiffs are informed and believe, and thereupon allege, that Defendants owed a duty to K.K.K. to exercise that degree of reasonable care and skill ordinarily exercised by health care providers and others of their profession in the community to properly examine, evaluate, test, diagnose, care for, and/or treat K.K.K.'s medical condition upon his admission to the emergency department of KMC.

28. Plaintiffs are informed and believe, and thereupon allege, that Defendants impliedly and/or expressly warranted to Plaintiffs that they and their employees, servants and/or agents would provide competent care and appropriate treatments and/or services to K.K.K.

29. Plaintiffs are informed and believe, and thereupon allege, that Defendants breached their warranties to Plaintiffs and the standard of care for professionals by improperly and negligently examining, evaluating, testing, diagnosing, caring for and/or treating K.K.K., and improperly discharging K.K.K. thereby proximately and directly causing K.K.K.'s death.

SECOND CAUSE OF ACTION

30. Plaintiffs hereby reallege and incorporate all of the above allegations contained in Paragraphs 1 through 29, above.

31. At all times relevant hereto the individual Defendants were acting within the course and scope of their employment, agency, and service with Defendant KMC, and therefore, Defendant KMC is liable to Plaintiffs for the tortious conduct of its above-mentioned employees, agents, servants and representatives under the doctrine of respondeat superior and/or agency principles.

THIRD CAUSE OF ACTION

32. Plaintiffs hereby reallege and incorporate all of the above allegations contained in Paragraphs 1 through 31, above.

33. Defendants and their employees, agents, servants and/or representatives failed to inform Plaintiffs of the information a reasonable patient needs from health care providers to allow the patient and/or the patient's guardian or legal surrogate to make informed decisions regarding proposed treatment.

34. As a direct, legal and/or proximate result of Defendants' failure to provide Plaintiffs said information, Plaintiffs have suffered, and will continue to suffer, the injuries and damages as set forth herein.

WHEREFORE, Plaintiffs pray for relief as follows:

1. That judgment be entered in Plaintiffs' favor on each count of the Complaint;
2. For general damages according to the proof thereof at trial;
3. For special damages according to the proof thereof at trial;
4. For reimbursement of their costs and expenses herein, including reasonable provision for their attorneys' fees; and
5. For such further and additional relief as the Court deems appropriate and just.

DATED: Honolulu, Hawaii, November 21, 2016 .

A handwritten signature in black ink, appearing to read 'E. Seitz', is written over a horizontal line.

ERIC A. SEITZ
DELLA A. BELATTI
SARAH R. DEVINE

Attorneys for Plaintiffs